

POLICY & PROCEDURES

CHAPTER:	1	Administration and Management	1.3.20
SECTION:	3	Personnel	EFFECTIVE DATE: 7 / 21 / 2020
SUBJECT:	20	Staff On-the Job Injury and Fit for Duty Assignments	
STANDARDS: ACA – 4 – ALDF: 7D-14			
APPROVED:			REVIEW DATE: 7 / 21 / 20
Dale Glass COMMISSIONER OF CORRECTIONS			REVISION DATE: 7 30 / 20
Rescind: 1.3.20: dated 3 / 1 / 16 Cancel:			

I. POLICY

It is the policy of the St. Louis City Division of Corrections to maintain a procedure that allows staff who suffers on-the-job injury to return to work provided the staff presents a signed fit for duty authorization from a licensed physician or healthcare provider.

II. RESPONSIBILITIES

All Divisional employees at **CJC/MSI** and regularly assigned volunteers are responsible for adhering to the following procedures.

III. DEFINITIONS

Disability: A physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Essential Job Function: A fundamental or material job duty, distinguished from a nonessential or peripheral duty.

Fit for Duty: The employee's ability to perform all essential job functions with or without accommodations, following a return from sick leave or job related injuries.

Full Duty: Assignment of an employee that is consistent with the health care provider's report that the employee's condition no longer exists.

Health Care Provider (Physician, Practitioner): Includes the following providers if they are authorized to practice in the State and are certified to perform within the scope of their practice as defined under State law:

- Doctors of medicine or osteopathy.
- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist).
- Nurse practitioners and nurse mid-wives.
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. (Where an employee is receiving treatment from a Christian Science Practitioner, an employee may not object to any requirement from the Division that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner.)

On-the-Job Injury: An injury/illness due to an accident or incident arising out of employment.

IV. PROCEDURES

A. General Information

1. The Division has various programs that protect the employee who is unable to work as a result of on-the-job related injury. Employees of the Division are covered under the City's Workers' Compensation program for job related injuries and/or occupational diseases. The City offers individual healthcare plan for all city employees including Divisional employees.
2. The Division will permit employees to return to work from leave due to job related injury only if the employee presents a signed certificate of fit for duty from the health care provider.
3. The fit for duty authorization form signed by the health care provider must state that the employee is released to return to normal duty with or without an accommodation. The employee must be able to perform the essential functions of their position, (See DOC #1.3.11. 20).
4. Only employees who suffer work-related injuries and/or occupational diseases are referred for medical treatment under this policy. (See policy # 1.3.11: General Leave of Absence: Light/Fitness for Duty – Non-Job-Related Injury).

B. Reporting of on-the Job Accidents

1. Employees will report on-the-job accidents immediately to their supervisor, and submit an Incident Report as soon after the accident as possible and no later than the end of tour the of duty and prior to employee exiting the facility even if the employee did not feel pain at the time the injury occurred. Staff may be subject to disciplinary hearing review for failure to report all on-the job related accidents on the day it occurred.
2. Supervisors who receive a report of an on-the-job accident resulting in an injury or receive a report of an occupational disease will:
 - a. Complete a Report of Injury form.
 - b. Follow the instructions provided on the back of the form (see blue copy), to complete the form.
 - c. Forward complete reports and form to the Supervisor/Unit head that reviews for accuracy and completeness, and forward the report to the appropriate authority.
3. Once the review is completed and the information is in order, the Report of Injury Form is forwarded to payroll staff.
4. Payroll staff will, within 24 hours of an accident:
 - a. Forward the white copy of the Report of Injury form to City's third party administrator,
 - b. Forward a transmittal form to accompany the Report of Injury form,
 - c. Forward the pink copy of the Report of Injury form to the Department of Personnel:

Attention: Safety Officer,
1114 Market Street, Room 700,
St. Louis, Missouri 63101.
 - d. File the blue copy of the Report of Injury form in the Division of Corrections appropriate file.
5. If there is a question of whether a particular accident or illness should be reported, the Payroll staff will locate the appropriate contact telephone number and contact the City's Third-Party Administrator to resolve the question.

POLICY & PROCEDURES

C. Treatment of Work-Related Injuries

1. Employees who suffer on-the job injury will be referred to appropriate medical facility for diagnosis and treatment when the injury is severe enough to require medical attention. If the employee is unable to transport self to a treatment facility, the Supervisor calls for Ambulance.
2. Employees who require treatment of work-related injuries or occupational disease will be referred for initial treatment to appropriate Divisional assigned treatment provider as authorized by the City's Third-Party Administrator. The exception to this rule will be as follows:
 - a. In life threatening emergencies, the Emergency Medical Services (EMS) will be called via 911, and the employee should be taken to the nearest medical facility. (This will usually be determined by emergency medical service personnel.)
 - b. When a "for cause" drug and/or alcohol test is required, the employee must be sent to an approved testing facility designated by the Department of Personnel, pursuant to Department of Personnel Administrative Regulation 120 (A) or Department of Personnel Administrative Regulation 120 (B).
3. Employees referred for treatment will be provided with a Treatment Authorization and Fitness for Duty Form completed by their supervisor.
4. When the injured City employees report for treatment, the employee will:
 - a. Provide identity as City employee, and
 - b. Present the authorization form for treatment to the healthcare provider.
 - c. Be treated for the work-related injury and/or occupational disease.
 - d. Advise the attending physician or other appropriate medical personnel at the treatment facility to fill out the required forms and provide the employee with a copy of the Treatment Authorization and Fitness for Duty Form.
 - e. Present a list of essential job functions to the healthcare provider.
 - f. If admitted to the hospital on an emergency basis relating to the on-the-job injury, notify the on-duty Supervisor/Unit head by telephone as soon as possible.

POLICY & PROCEDURES

5. When the employee returns to work, the employee will promptly give or forward the Treatment Authorization and Fitness for Duty Form to immediate supervisor who forwards the Treatment Authorization and fitness for Duty Form to the Commissioner/designee.
6. The Commissioner/designee will forward a completed copy of all medical documents including the Treatment Authorization and Fitness for Duty Form, to the City's Third-Party Administrator as soon as possible after treatment and upon submission of the Workers' Disability Form, if required.

D. Compensating Employees for Periods of Disability

1. When an employee is placed on temporary total disability, the Detention Center Superintendent/designee will explain options available to the employee under the City's workers' compensation and disability leave program to enable the employee to make an informed decision about the available options. (See DOC #1.3.11.20: Job Class Description and Essential Job Functions).
2. The employee will be referred to payroll staff who will advise of following:
 - a. Payroll Deductions:
 - (1). The injured employee is advised that State law prohibits non-voluntary deductions, including taxes, from the workers' compensation payment the employee will receives.
 - (2) If the employee wishes to continue any deduction presently in effect, the employee must immediately notify the payroll staff in writing of the desire to continue the deduction(s) in order to prevent the lapse of any in-place health, life, dental, or other coverage.
 - (3) The employee may also elect to use their accrued medical leave and/or sick leave for the first three work days of temporary disability, provided the employee have sufficient medical leave and/or sick leave accrued. Thereafter, the employee will be compensated at the rate mandated by the Missouri Workers' Compensation Law.
 - (4) If the period of disability extends more than fourteen (14) calendar days, the three work days of medical leave and/or sick leave used during the first three work days of disability will be restored to the employee's balance from which it was taken, i.e., medical leave or sick leave balance.
 - b. Reductions in Workers' Compensation Benefits for Safety Violations

City of St. Louis Department of Public Safety / Division of Corrections
POLICY & PROCEDURES

- (1). The Missouri Workers' Compensation Law allows for a twenty-five (25) to fifty (50) percent reduction in the benefits provided to employee when the injury is caused by the failure of the employee to use safety devices where provided or by the failure to obey any reasonable rule adopted for the safety of the employee.
- (2) In an effort to reduce injuries, the City of St. Louis will apply this reduction in benefits as allowed by statute. Applicable safety rules include those contained in any safety manual promulgated by the Division of Corrections. (See policy # 2.5.7: Employee Safety).

c. Compensation

Employees of the City of St. Louis, who suffer an injury or occupational disease arising out of and in the course of employment, may be eligible for benefits provided under the Missouri Workers' Compensation Law. The amount of said benefits will be determined in accordance with the Missouri Workers' Compensation Law and the compensation ordinance.

E. Completing the Workers' Disability Form.

1. In order for an employee to receive compensation for any period of temporary total disability, a Workers' Disability Form must be completed by the Payroll Specialist and submitted in accordance with the procedures listed below:
 - a. If the injured employee is unable to report to work on or subsequent to the day following the accident as determined by authorized medical personnel, the Payroll Specialist will complete a Workers' Disability Form for submission to appropriate authority (See item 2, below) at the end of each pay period during which the employee is or was unable to work.
 - b. This form must list the pertinent data and salary information, as well as:
 - (i) Determinations as to whether the employee will be using medical leave and/or sick leave for the first three work days of temporary disability, and
 - (ii) Whether any present deductions are to be continued (under workers' compensation).
2. The Workers' Disability Form must be sent to the Workers' Compensation Section of the City Counselor's Office,
3. Form must be received by 3:00 p.m. the workday before payroll closes for further processing. A copy of the Treatment Authorization and Fitness for Duty Form

POLICY & PROCEDURES

from the authorized treatment facility must be attached to the Workers' Disability Form.

F. Status of Injured Employees

1. Staff who returns to work from on-the job injury with a fit for duty that stipulates accommodation for light duty assignment must be able to perform the essential functions of their job. The employee will be referred to the Detention Center Superintendent who determines if employee can perform the essential functions of their position and the nature of any reassignment. The employee will be allowed to return to work as noted by the healthcare provider until this meeting with the Detention Center Superintendent occurs the next business day.
2. If placed on a light duty, the employee will be informed of the duration at the time of placement and given specific dates when the assignment will begin and end, in writing by the Commissioner/designee. The employee must return to regular duty assignment at the end of duration or date specified. The assignment end date may be extended if the employee requests and only if the doctor recommends such extension and is approved by the Appointing Authority/designee. The employee will receive a new start and end date.
3. An employee who fails to return to their regular assignment upon expiration of an approved assignment or who is ADA qualified as a result of on-the-job injury and has not accepted a permanent reassignment may be subject to disciplinary action.

G. Volunteer Duty and Responsibility

1. Persons engaged in volunteer work may be deemed by the workers' compensation insurer as employees of the Division. Such persons may be entitled to some of the benefits of regular employees if they suffer an injury while performing volunteer duties on Division premises. These cases must be referred to City attorney.
2. Eligible Volunteers must follow the protocol outlined in this policy in reporting injuries.